DOCUMENT RESUME

ED 287 792 SO 018 567

AUTHOR Patrick, John J.
TITLE The Lasting Powers of the United States Constitution: Responsibilities of Today's Citizens.
INSTITUTION Social Studies Development Center, Bloomington, Ind.
PUB DATE 22 Oct 87
NOTE 15p.; Paper presented at the Annual Conference of the Virginia Council for the Social Studies Educators (23rd, Williamsburg, VA, October 22, 1987).
PUB TYPE Viewpoints (120) -- Speeches/Conference Papers (150)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Citizenship Education; Civil Liberties; Constitutional History; Democratic Values; Political Attitudes; Political Socialization; Secondary Education; *Social Studies; United States Government (Course)
IDENTIFIERS United States Constitution

ABSTRACT

To preserve and protect the civic values and principles of the Constitution, educators must develop in students a deeper understanding of and a commitment to these values. To do this, educators should confront students with cases in history and current events involving fundamental paradoxes of U.S. constitutional government. Students should be taught to seek a balance among contending ideas. As students mature, they need greater opportunities to analyze and apply constitutional issues. They need to know the civic values and constitutional issues that flow from the interactions of power and liberty. This knowledge is a prerequisite to coping effectively with perennial constitutional issues. Students also need to understand the concept of majority rule with minority rights. As citizens, they must decide at what point and under what circumstances rule by the majority begins to violate the legitimate rights of minorities. Another consideration is when and how advancement of minority rights violates or undermines the will of the majority. A primary responsibility of citizenship under the United States Constitution is an ongoing resolution of issues about how to blend and balance the competing claims of majority rule and minority rights. The U.S. experiment in free government requires the citizenry to know the basic principles and values of the Constitution and to think critically about them. (SM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED287792

THE LASTING POWERS OF THE UNITED STATES CONSTITUTION: RESPONSIBILITIES OF TODAY'S CITIZENS

by

John J. Patrick

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

John J. Patrick

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

BEST COPY AVAILABLE

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

SO018547

SO#18567

THE LASTING POWERS OF THE UNITED STATES CONSTITUTION: RESPONSIBILITIES OF TODAY'S CITIZENS

by John J. Patrick
Director, Social Studies Development Center
Indiana University*

This year, 1987, we have been celebrating an amazing achievement--the endurance of our 200-year-old frame of government, the oldest written constitution in the world. Unlike other nations, we have lived continuously under the civic values and principles of one document. The distinction of our constitutional achievement is suggested by the story of the young man who goes to the library and asks the clerk if he might borrow a copy of the French Constitution. "I'm sorry sir," says the clerk, "we don't loan periodicals in this library." The first constitution of France was drafted in 1791--four years after the Philadelphia Convention. Since then, the French have had several constitutions.

The French experience is typical. There are more than 170 constitutions in today's world, and only eleven of them, including the U.S. Constitution, predate World War II. The average nation has had two constitutions since 1945; and nearly two-thirds of the world's national constitutions have been

---

*Prepared for the 23rd Annual Conference for Social Studies Educators in Virginia, October 22, 1987.

adopted or basically revised since 1970. Our bicentennial achievement--grand as it is--seems even more remarkable when placed in historical and comparative perspective.

In 1787, the year of its birth, our Constitution was a striking innovation in the design of republican government. However, no one, not even its most fervent supporters, believed this Constitution was even close to perfection. James Madison often referred to it as "a least imperfect government"--the best that could be expected under the circumstances; and so, from Madison's time until today, constitutional changes have been made in an effort to improve upon the work of our Founding Fathers. But, if formal and informal changes have been made, and if the Constitution of 1987 is not quite the same frame of government that the Founders made in 1787--it reflects the same ideals; the civic values and principles of the Founders have lasted.

The Preamble, an Indicator of Constitutional Values

A close look at the Preamble to the Constitution reveals what these core values are:

> "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Penned by Gouverneur Morris of Pennsylvania, this Preamble has been called the most eloquent sentence on government in the English language. This statement, so powerful in its brevity and simplicity, is also brilliant in its encapsulation of two complex fundamentals of American constitutional government:

(1) The paradox of a powerful government that is also strictly limited in the exercise of power, and

(2) The paradox of a government based on the will of the people (majority rule) that is also strictly limited to protect the liberties of individuals.

Knowledge of these fundamental paradoxes is a key to understanding how American constitutional government works. Most important constitutional issues in U.S. history, and most landmark decisions of the U.S. Supreme Court, exemplify the contrapuntal relationships of power and limits in government and majority rule with protection of minority rights.

How are these two paradoxes of American constitutional government reflected by the Preamble and subsequently in the words and workings of the Constitution? What are the implications of these two paradoxes for citizens today in the exercise of their responsibilities under the Constitution?

The Paradox of Strong Government with Strict Limits

The Preamble connotes power--the "People" must establish a powerful government in order to "insure domestic Tranquility, provide for the common defence, promote the general Welfare."

However, the power of government must also be limited carefully, if justice is to be established and "the Blessings of Liberty" secured. Madison said it well. His formula for a free government, what we call a constitutional democracy, was to direct "liberty against power and power against licentiousness."

In their Constitution of 1787, Madison and other Founding Fathers met a perennial challenge of free constitutional government--adjustment of the opposing claims of liberty and power. On one side of this paradox is the ever-present danger of government with insufficiently limited power, which could be used to deprive individuals of legitimate liberties and rights in the name of "domestic Tranquility" and "the common defence." On the other side is the danger of unlimited or insufficiently limited liberty, which could result in disorder, insecurity, and ultimate denial of "the Blessings of Liberty."

In 1787 and in 1987, the challenge faced by citizens is the same: What should the balance of power and liberty be, to what end, and under what circumstances? This was a basic problem at Philadelphia in 1787, and every generation of Americans since that time has had to deal with the issue of how to balance and blend power and liberty--how to have an energetic government that is also strictly limited by law. Young Americans need to learn about this paradox of power and limits in behalf of liberty under law; they need to know the civic values inherent in this paradox and the constitutional issues that flow from

the point/counterpoint interactions of power and liberty; and they need to understand that there is no final solution to the problem of balancing power with liberty in a free government. Responses of citizens to this perennial problem have varied with changing circumstances in our constitutional history, and they will continue to vary in unexpected ways.

Why do young Americans need to learn about this paradox of constitutional government in constitutional history and current events? Well, they need this knowledge because it is a prerequisite to coping effectively with perennial constitutional issues in their lives, today and tomorrow--for example, issues about who should occupy a vacancy on the Supreme Court. In general this knowledge is needed to respond intelligently to ongoing responsibilities of citizenship under our Constitution.

Knowledge of the paradox of strong government with strict limits is intertwined with another conjunction of opposites in our constitutional government--the seemingly contradictory values of majority rule with minority rights. What are the elements of this paradox and how is it related to the tensions between power and liberty in our Constitution?

The Paradox of Majority Rule with Minority Rights

The powerful and limited government of our Constitution is designed to protect rights and liberties of individuals against the ever-present threat of tyranny. This word, tyranny, prompts

thoughts of monarchies and oligarchies--of kings and aristocrats or of dictators and plutocrats. However, when our Founders thought about tyranny, they felt especially vulnerable to a new form of this perennial danger--tyranny of the majority--a danger peculiar to a government that derives its power from the people.

Government based on the will of the people implies some type of majority rule. But a government with too much power to promote "the general Welfare" can deprive unpopular individuals and minority groups of "the Blessings of Liberty."

James Madison summarized these concerns about tyranny based on the general will in a letter to Thomas Jefferson:

> "Wherever the real power in a government lies, there is the danger of oppression. In our Government the real power lies in the majority of the Community, and the invasion of private rights is chiefly to be apprehended, not from acts of Government contrary to the sense of its constituents, but from acts in which the Government is the mere instrument of the major number of the constituents. This is a truth of great importance, but not yet sufficiently attended to."

In line with Madison's concerns about majoritarian tyranny, our Founders designed a constitutional government that conjoins civic values that seem to be in conflict: majority rule with

minority rights. They endeavored to preserve the spirit and form of popular government while setting limits on the power of the majority to "promote the general Welfare" in ways that could be unjust to minorities.

According to Madison and Hamilton in The Federalist papers, the Constitution of 1787 limited the power of majorities by establishing a free government; that is, popular government where the majority is limited by law in order to protect the rights and liberties of individuals in the minority. In a free government, there is a workable balance between majority rule and minority rights--the power of majorities is constrained to protect the rights of individuals who disagree with them, or who are in some significant way different from them. Likewise, in a free government, there are limits on the rights and privileges of minorities, so that the spirit and practice of majority rule is not violated.

Of course, the circumstances of this paradox of majority rule with minority rights have changed as our definition of "the People" has expanded to include many groups left out in 1787. Two-hundred years later, "We the People" of the United States means much more than it did in 1787, and across two centuries of constitutional history, democracy has expanded in the United States. However, today, as in the past, we still face two core questions raised by the paradox of majority rule with minority rights. On one side we must decide at what

point, and under what circumstances, does rule by the majority violate the legitimate rights of minorities? But there is another side to this relationship--when and how does advancement of minority rights violate or undermine the will of the majority? A primary responsibility of citizenship under our Constitution is ongoing resolution of issues about how to blend and balance the competing claims of majorities and minorities.

A Framework for Experimentation on Free Government

From establishment of the federal government in 1789 until today, "We the People" have used our Constitution as a framework for continued experimentation about the nature and operation of free government--about the most desirable balance between power and liberty and between majority rule and minority rights. Our first President under the Constitution, George Washington, invited this experimentation in the first inaugural address: "The preservation of the sacred fire of liberty and the destiny of the republican model of government . . . is the experiment entrusted into the hands of the American people."

Then and now, in Washington's time and in our own time, our experiment in free government challenges citizens to preserve their constitutional legacy while seeking "a more perfect Union." A major responsibility of "the People" is to conserve the constitutional values and principles--the civic ideals--that have served us so well and also to improve the application of these ideals in the daily lives of all Americans.

Then and now, in Washington's time and our own time, our experiment in free government requires us to know the basic principles and values of our Constitution and to think critically about them--about their meaning and application to the lives of citizens in contemporary society. In this realm too, George Washington's ideas guide us. In 1787, two months after the end of the Constituional Convention, Washington wrote: "The warmest friends and the best supporters the Constitution has do not contend that it is free from imperfections. . . . I think the People (for it is with them to judge) can . . . decide . . . on the alterations and amendments which are necessary. . . . I do not think we are more inspired, have more wisdom, or possess more virtue than those who will come after us." We educators should take seriously Washington's advice about working to preserve and improve upon core ideas in our constitutional government.

Concluding Recommendations for Civic Educators

How can civic educators prepare young Americans to adequately undertake the responsibilities of conserving basic constitutional values and principles and improving the application of these ideals in our society?

As a first step, we civic educators can strive to raise the general level of knowledge that Americans have about their constitutional government. Recent assessments indicate that there are grounds for concern about what our citizens do and do not know about the Constitution. A recent survey by the Hearst

Corporation shows that a majority of American adults are ignorant of core ideas of our constitutional government. Furthermore, a recent study of the National Assessment of Educational Progress (NAEP) reveals great gaps in knowledge about constitutional history and government among 17-year-olds.

The authors of a recent book based on the NAEP study conclude that "The system by which we govern ourselves is comprehensible only if its history is understood. . . . Moreover, many of the most profound issues of contemporary society--having to do with civil liberties, equality of opportunity, the tensions between freedom and order, and the relationships between majority rule and minority rights--have their origins and their defining events in the evolving drama of the Constitution. Yet, our youngsters do not know enough about that drama to reflect on or think critically about it" (Diane Ravitch and Chester E. Finn Jr., What Do Our 17-Year-Olds Know?, 1987, p.58). If this conclusion is valid, then we civic educators need to renew and improve our efforts to teach knowledge about the Constitution in history and in its applications to current events. If we are to make our constitutional government work as it should, if we would both maintain it and improve it, then we must first know it--knowledge is primary.

But we civic educators need to do more than transmit knowledge of our Constitution in history and current events.

We also must develop reasoned commitment to the civic values embodied in our Constitution, which are the common and cohesive elements of our pluralistic society--forces for unity within the diversity of our American nation. Let me emphasize that the goal is not mindless transmission of these values; rather, the intention is development of understanding that provides warrants for these civic ideals. Furthermore, as students mature, they should have more and more opportunities in school to analyze constitutional issues involving application of these civic values to contemporary life.

If we would develop profound understanding of core ideas in the Constitution, reasoned commitment to them, and ability to think reflectively about them, then we must confront our students with cases in history and current events about fundamental paradoxes of our constitutional government. These are the perennial issues about power and liberty and majority rule with minority rights that have marked our two-hundred years of constitutional development.

In responding to these issues, students should be admonished to avoid dualistic and extremist ways of thinking. Rather, they should be taught to seek a balance among contending ideas, to think in terms of more or less and not either/or. A charming verse from A Book of Americans by Rosemary and Stephen Vincent Benet reminds us of how to proceed:

"Jefferson said, 'The many!'
Hamilton said, 'The few!'
Like opposite sides of a penny
Were those exalted two.
If Jefferson said, 'It's black, sir!'
Hamilton cried, 'It's white!'
But twixt the two, our Constitu-
tion started working right."

If we, as civic educators and teachers, remember the main idea of this charming verse, we will have a good start on teaching our students to maintain and improve upon the core ideas of our Constitution. If so, your descendents will be here in 2087 to celebrate the tricentennial of the Constitution. Let us do our best to make it happen.

REFERENCES

Benet, Rosemary and Stephen Vincent. A Book of Americans. New York: Henry Holt and Company, 1933.

Conkin, Paul K. Self-Evident Truths. Bloomington, Indiana: Indiana University Press, 1974.

Hamilton, Alexander, James Madison, and John Jay. The Federalist Papers. Edited by Clinton Rossiter. New York: A Mentor Book, New American Library, 1961.

Hearst Report. The American Public's Knowledge of the U.S. Constitution: A National Survey of Public Awareness and Personal Opinion. New York: The Hearst Corporation, 1987.

Kammen, Michael, ed. The Origins of the American Constitution: A Documentary History. New York: Alfred A. Knopf, 1986.

Koch, Adrienne. Power, Morals, and the Founding Fathers: Essays in the Interpretation of the American Enlightenment. Ithaca, New York: Cornell University Press, 1961.

Ravitch, Diane and Chester E. Finn, Jr. What Do Our 17-Year-Olds Know? A Report on the First National Assessment of History and Literature. New York: Harper & Row, Publishers, 1987.